

Application No.: 10/630,914Docket No.: 1268-198**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-9 and 11-20 are pending in the application. Claims 1-9 have been amended to overcome the *35 U.S.C. 112, second paragraph* rejection. Claims 11-20 have been added to provide Applicants with a scope of protection to which they are believed entitled. The specification has been revised to provide a better description of the present invention. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 112, second paragraph* rejection of claims 1-9 is believed overcome in view of the above amendments.

The *35 U.S.C. 102(b)* rejection of claims 1-4 and 7-8 as being anticipated by U.S. Patent No. 1,001,539 to *Loud* and the *35 U.S.C. 103(a)* rejection of claims 5-6 and 9 as being obvious over *Loud* are traversed, because the reference clearly fails to teach or suggest all limitations of the rejected claims, especially, the limitation of original claim 1 that "on the internal face of each side cover at least one rigid peg is pivotally attached." This limitation remains in amended claim 1 in slightly modified form, i.e., "each of said pegs being pivotally attached to an inner face of one of said side covers."

Figures 2, 4, and 6 of *Loud*, depict how the connection between the "fingers" (pegs) 10' and 13' and between the respective "finger-carrying plates" 10 and 13 is a **rigid connection which does not allow changing the angle between each "finger" and its respective "carrying plate"**. *Loud* explicitly states (column 1, lines 52-54) that his device consists of only three movable parts: two finger-carrying plates plus one hinge-rod. It is therefore very clear that the "fingers" in *Loud* (which the Examiner reads on the claimed "pegs") are **immovable** with respect to their carry

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plates.

Furthermore, contrary to the Examiner's argument in line 3 of paragraph 4 of the Office Action, the device of *Loud* includes **no back cover**. Fig. 1 of *Loud* discloses a top view corresponding to the side view illustrated in Fig. 2, wherein items 12 and 13 are "finger-carrying plates," not a "back cover". If the "finger-carrying plates" are to be read on the "left and right side covers" of the claimed invention, then the back cover defined in claim 1 is missing, and vice versa (i.e., if the "finger-carrying plates" are to be read on the "back cover" of the claimed invention, then the claimed right and left side covers are missing).

One of the disadvantages of *Loud* is that the "pegs" of *Loud's* device cannot be opened independently. Rather, they ought to be opened symmetrically and simultaneously. This could be inconvenient when dealing with a large amount of sheets that, according to *Loud*, have to be moved in any event of opening the pegs, while according to the claimed invention, the sheets held by, e.g., a left side peg, are not to be dealt with while opening a right side peg.

Another disadvantage of *Loud's* device is its restricting design. While in the claimed invention the pegs could be configured in a form of a very moderate arc with its radius being selectable independently of restrictive parameters, the pegs in *Loud's* device are always restricted to form a substantially quarter of a circle (and when inter-engaged to form half a circle) with the center at the hinge 14. Accordingly, if a large device is required, e.g., for accommodating a large number of sheets (documents), the height of the arc formed by the pegs in *Loud's* device will be increased correspondingly, while in the claimed device the height of the arc formed by the pegs from above the back cover of the binder may remain the same regardless of the number of sheets to be accommodated in the binder.

The other cited but not applied references also fail to teach or suggest the above highlighted feature of claim 1. Accordingly, Applicants respectfully submit that claim 1 and claims 2-8

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depending therefrom are patentable over the art.

New independent claim 11 is believed patentable over the cited references because the references do not fairly teach or suggest the claimed first peg **pivotal** attached to the first side cover. Claims 12-20 depend from claim 11, and are considered patentable at least for the reason advanced with respect to amended claim 11. Claims 12-20 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claim 12, the cited references do not fairly teach or suggest the claimed **first peg rotatable, relative to the first side cover**, between an engagement position and an open position.

As to claims 13 and 16, the cited references do not fairly teach or suggest the claimed **spring** biasing said first peg away from the engagement position when said first peg is in the open position.

As to claim 15, the cited references do not fairly teach or suggest the claimed **external groove** in which the other peg is at least partially and slidably inserted when said first and second pegs are engaged.

As to claim 17, the cited references do not fairly teach or suggest the claimed arrangement for opening and closing the pegs.

As to claim 18, the cited references do not fairly teach or suggest the claimed feature that, when said first and second pegs are engaged, said first and second pegs can be disengaged only after said first and second side covers have been rotated away from each other by **more than 180 degrees**.

As to claim 19, the cited references do not fairly teach or suggest the claimed **U-shaped**

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members.

As to claim 20, the cited references do not fairly teach or suggest the claimed **clasps**.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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